

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GRISSELLE RAMOS, on behalf of herself and)	
all others similarly situated,)	
)	No. 08 CV 2703
Plaintiff,)	
)	Judge Lefkow
v.)	
)	Magistrate Judge Schenkier
PLAYTEX PRODUCTS, INC., RC2)	
CORPORATION, LEARNING CURVE)	
BRANDS, INC., and MEDELA, INC.,)	
)	
Defendants.)	

**DEFENDANTS RC2 CORPORATION'S AND LEARNING CURVE BRANDS, INC.'S
RESPONSE TO DEFENDANT MEDELA'S MOTION TO SEVER CLAIMS**

NOW COME Defendants RC2 CORPORATION and LEARNING CURVE BRANDS, INC. by their attorneys and hereby submit the following response to Defendant Medela's motion to sever claims.

INTRODUCTION

A total of three class action complaints all on behalf of the same putative class and all raising identical claims concerning three distinct products, have been filed against Playtex Products, Inc., RC2 Corporation, Learning Curve Brands, Inc. and Medela, Inc. The complaints allege that three distinct products which Plaintiffs attempt to lump into one category which they call "Vinyl Baby Products," each contain lead which according to Plaintiffs gives rise to the claims they assert. On May 9, 2008, Wolf Haldenstein Adler Freeman & Herz LLC filed *Ramos v. Playtex Products, Inc., RC2 Corporation, Learning Curve Brands, Inc. and Medela, Inc.*, No. 08 CV 2703. On May 15, 2008 the Wolf Haldenstein firm filed the identical complaint on behalf

of three new plaintiffs, *Scalia, Suarez and Lopez v. Playtex Products, Inc., RC2 Corporation, Learning Curve Brands, Inc. and Medela, Inc.*, No. 08 CV 2828.

Defendant Medela filed a motion to transfer the *Scalia* case to the docket of this court as a related action and also to consolidate the *Scalia* case with the *Ramos* case. On June 10, 2008 this Court granted the motion to transfer and consolidate the *Scalia* case, and on June 11, 2008 the Executive Committee approved the transfer of the *Scalia* case.

On June 11, 2008 Hagens Berman Sobol Shapiro LLP filed a third complaint, *Smith v. Playtex Products, Inc., RC2 Corporation, Learning Curve Brands, Inc. and Medela, Inc.*, No. 08 CV 3352, which raises the identical claims made in the two prior complaints filed by the Wolf Haldenstein firm. The *Smith* case has been assigned to Judge Kendall, and according to the docket as of June 23, 2008, only RC2 Corporation has been served in that case.

ARGUMENT

1. Severance is proper as three distinct products each made by separate Defendants give rise to the alleged claims.

The complaints all allege claims arising from three distinct products each of which is produced by a separate Defendant.¹ The complaints allege that Plaintiffs' claims against Medela arise from a "vinyl cooler for storing breast milk made by Medela." Plaintiffs' claims against Playtex arise from its "Fridge to Go" vinyl baby bottle cooler and Plaintiffs' claims against RC2 Corporation and Learning Curve Brands, Inc, arise from a storage bag for a First Years² Natural Transitions breast pump. As Medela correctly notes in its motion to sever, each of the three products at issue is distinct, and it is improper to join the claims together in one action.

¹ Defendant RC2 is the parent of Defendant Learning Curve Brands, Inc.

² First Years is a brand name of Learning Curve Brands, Inc.

Therefore RC2 Corporation and Learning Curve Brands, Inc. join in Medela's motion to sever and request that the claims against them be severed from the claims against Medela and Playtex. RC2 Corporation and Learning Curve Brands, Inc. adopt the arguments made and authorities cited by Medela in its memorandum in support of its motion to sever.

CONCLUSION

RC2 Corporation and Learning Curve Brands, Inc. agree with and join in Medela's motion to sever and request the Court to sever the claims against them from the claims against Medela and Playtex.

Respectfully submitted,

RC2 CORPORATION and
LEARNING CURVE BRANDS, INC.

s/ Bart T. Murphy
By one of their attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June, 2008, I caused a copy of the foregoing document, DEFENDANTS RC2 CORPORATION'S AND LEARNING CURVE BRANDS, INC.'S RESPONSE TO DEFENDANT MEDELA'S MOTION TO SEVER CLAIMS, to be filed electronically. Notice of this filing will be sent to the following counsel by operation of the Court's ECF system. Parties may access this filing through the Court's system.

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